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August 13, 2007

FILED and SERVED ELECTRONICALLY

Honorable Gary L. Sharpe
United States District Court Judge
James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207

Re: *Price v. Albany County Board of Elections*; 06-CV-1083

Dear Judge Sharpe:

The Court had previously scheduled argument in the above referenced case for August 16, 2007. The Court has now issued a revised order indicating October 4, 2007 as the date of argument. Due to a long planned vacation (together with the misreading of the statute when cross-motions responses are due), the week that the Board of Elections submitted their cross-motion (July 31), I was away and did not return to my office until August 8 (the response date for the cross-motion). I had planned to present a detailed response to the cross-motion during oral argument. In light of the extended argument date, I would request that the plaintiffs be allowed until September 13, 2007 to submit a reply to the cross-motion. As the Court is aware, this case involves a complex set of constitutional questions. I believe the Court would be served by additional input from the plaintiffs. Mr. Valentine, counsel for the Board of Elections, has graciously consented to plaintiffs' request.

Sincerely,
/s Tom Marcelle
Tom Marcelle
TM/nep